

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

LYDIA ESTHER REYES RAMOS

Plaintiff

VS.

UNITED STATES DEPARTMENT OF  
AGRICULTURE RURAL DEVELOPMENT  
a/c/c LA ADMINISTRACION DE  
HOGARES DE AGRICULTORES;  
HECTOR NUÑEZ, FULANA DE TAL Y LA  
SOCIEDAD DE GANANCIALES  
CONSTITUIDA ENTRE AMBOS

Defendants

CIVIL NO.

RE:

Torts; Injunction; Declaratory Judgment

**NOTICE OF REMOVAL**

TO THE HONORABLE COURT:

COMES NOW the United States Department of Agriculture-Rural Development, before known as Farmers Homes Administration, and Mr. Héctor Núñez, through the undersigned attorney, who respectfully alleges and prays as follows:

1. On August 28, 2023, plaintiff Lydia Esther Reyes Ramos failed a complaint against appearing parties the United States Department of Agriculture-Rural Development, before known as Farmers Homes Administration (USDA), and Mr. Héctor Núñez containing the causes of action of Torts, Injunction and Declaratory Judgment.
2. The complaint was filed before the First Instance Court of Arecibo, case number MT2023CV00671.
3. Later, on December 21, 2023, plaintiff filed an amended complaint, containing the same causes of action. *Exhibit 1.*

4. Said amended complaint claims damages, mental anguish, an injunction order, and declaratory judgment against the appearing federal agency and its officer, Mr. Núñez. The spouse of Mr. Núñez and the Conjugal Partnership were also included as codefendants. However, they have not been served with the summons. Accordingly, the Court has no jurisdiction over the spouse and the Conjugal Partnership.
5. The First Instance Court of Arecibo scheduled a hearing for September 30, 2024. *Exhibit 2*.
6. USDA is an independent federal agency and an integral component of the United States of America's government. The plaintiff requests judgment against USDA and Mr. Núñez in his official capacity, in relation to their official duties under the applicable federal laws, programs and regulations.
7. Accordingly, the procedural and/or substantive defenses USDA and Mr. Núñez have available before the State Court will be based on federal law, such as defenses grounded on the Federal Tort Claims Act -28 USC, Part VI, Chapter 171- qualified immunity, federal supremacy principles, and USDA's related regulations. The United States of America, nor USDA have consent to be sued in this case, in the State Court.
8. For all these reasons, the instant case is removable to the United States District Court for the District of Puerto Rico pursuant to 28 U.S.C. § 1442. The notice for removal is brought pursuant to Title 28 U.S.C. § 1442(a)(1), which states:
  - (a) A civil action or criminal prosecution that is commenced in a State Court and that is against or directed to any of the following may be removed by them to the district court of the United States for the district and division embracing the place wherein it is pending:
    - (1) The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, in an official or individual capacity, for or relating to any act under color of such office or on account of any right, title or authority claimed under any Act of Congress for the apprehension or punishment of criminals or the collection of the revenue.

9. A copy of this Notice of Removal is being notified by certified mail and email to the adverse party, via her attorneys of record in the State Court: Counsels JOSE F. GIERBOLINI-BONILLA, PO Box 191620, San Juan, PR 00919-1620; [juriszone@capr.org](mailto:juriszone@capr.org) and VANESSA SAXTON-ARROYO, PO Box 191590, San Juan, PR 00919-1590; [vanessa.saxton@capr.org](mailto:vanessa.saxton@capr.org). Further, a copy is being notified also to the First Instance Court of Arecibo, under the SUMAC system, all pursuant to Title 28 U.S.C. § 1446(d); and to Lydia Esther Reyes Ramos, to Urbanización Colinas de Hatillo, #52 Calle Cordillera D9, Hatillo, PR 00659.

**WHEREFORE**, it is respectfully requested from this Honorable Court that the above captioned civil action be removed from the First Instance Court of Arecibo, to the United States District Court for the District of Puerto Rico.

Certificate of service

I hereby certify that on this same date I have filed a true and exact copy of the foregoing motion using the CM/ECF system, which will send notification of such filing to all registered CM/ECF participants. I further certify that a copy of this motion was sent on this same date by certified mail and email to the adverse party, via her attorneys of record in the State Court: Counsels JOSE F. GIERBOLINI-BONILLA, PO Box 191620, San Juan, PR 00919-1620; [juriszone@capr.org](mailto:juriszone@capr.org) and VANESSA SAXTON-ARROYO, PO Box 191590, San Juan, PR 00919-1590; [vanessa.saxton@capr.org](mailto:vanessa.saxton@capr.org). Further, a copy is being notified also to the First Instance Court of Arecibo, under the SUMAC system, all pursuant to Title 28 U.S.C. § 1446(d); and to Lydia Esther Reyes Ramos, to Urbanización Colinas de Hatillo, #52 Calle Cordillera D9, Hatillo, PR 00659.

**RESPECTFULLY SUBMITTED**, In San Juan, Puerto Rico, this 19<sup>th</sup> day of September 2024.

/s/ Juan Carlos Fortuño Fas  
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